

****E-filed 12/7/09****

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL COOK,

No. C 07-5085 RS

Plaintiff,

**ORDER DENYING MOTION FOR
INJUNCTIVE RELIEF**

v.

UNITED STATES OF AMERICA, et al,

Defendants.
_____ /

Plaintiff Michael Cook, appearing *pro se*, requests the Court to order the Appeals Council of the Social Security Administration (“SSA”) to issue a decision in his administrative appeal. Cook notes that defendant filed a declaration in some of the cases related hereto indicating that a decision by the Appeals Council was expected by November 1, 2009. The declaration, however, establishes that the average time for processing an appeal is substantially longer, and that the expectation that a decision would issue by November 1, 2009 was merely an estimate. Absent circumstances not present here, there is no basis for the Court to direct the Appeals Council to act on any particular time schedule.

In any event, Cook’s request is now moot. The Government has given notice in the related cases that, by an undated order, the Appeals Council has vacated the Administrative Law Judge’s decision and remanded the matter for further proceedings. The Appeals Council has advised Cook that an Administrative Law Judge “will contact you to tell you what you need to do.”

1 Cook should take note of the information provided by the Government that the “average
2 processing time for the Sacramento hearing office is 423 days.” While the SSA has an obligation to
3 process the matter without deliberate delay, the mere passage of time will not entitle Cook to relief
4 from the Court.

5
6 IT IS SO ORDERED.

7 Dated: December 7, 2009



RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE

**THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER WAS ELECTRONICALLY
PROVIDED* TO:**

James A. Scharf james.scharf@usdoj.gov, mimi.lam@usdoj.gov

AND A HARD COPY OF THIS ORDER WAS MAILED TO:

Michael Cook
CDC No. T-79529
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

DATED: December 7, 2009

/s/ Chambers Staff

Chambers of Magistrate Judge Richard Seeborg

* Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.